

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

WADE C. BURRIS, individually and on behalf)
of all others similarly situated,)
)
)
 Plaintiff,)
)
)
 v.) Case No. 4:19-cv-00925-RK
)
)
)
 Defendant.

**DEFENDANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME
FOR BRIEFING ITS MOTION TO DISMISS AND SUGGESTIONS IN SUPPORT**

Defendant Apple Inc. (“Apple”) hereby files this Unopposed Motion for Extension of Time for Briefing its Motion to Dismiss and Suggestions in Support. In support of this motion, Apple states as follows:

1. On October 15, 2019, Plaintiff filed his Class Action Petition in the Circuit Court of Jackson County, Missouri at Kansas City.
2. On October 21, 2019, Apple was served with the Summons and Petition.
3. On November 19, 2019, Apple filed its Notice of Removal. (Doc. 1.)
4. Under Fed. R. Civ. P. 81(c)(3), Apple’s deadline to move to dismiss is currently November 26, 2019.
5. Apple requires additional time to brief its anticipated motion to dismiss, up to and including December 19, 2019.
6. Counsel for Apple has conferred with Plaintiff’s counsel, and Plaintiff’s counsel does not oppose this request.

7. The parties have further agreed that, given their other professional and personal commitments, Plaintiff's opposition to the motion to dismiss should be extended to January 21, 2020, and Apple's reply should be extended to February 7, 2020.

8. Apple therefore requests the Court extend the time to brief its motion to dismiss as follows:

- a. Apple's motion to dismiss shall be filed no later than December 19, 2019;
- b. Plaintiff's opposition to Apple's motion to dismiss shall be filed no later than January 21, 2020; and
- c. Apple's reply in support of its motion to dismiss shall be filed no later than February 7, 2020.

WHEREFORE, for the above reasons, Apple respectfully requests that this Court extend above-referenced motion-to-dismiss deadlines.

Respectfully submitted,

Dated: November 25, 2019

SHOOK, HARDY & BACON L.L.P.

By: /s/ Holly Pauling Smith
John Murphy, MO Bar No. 29980
Holly Pauling Smith, MO Bar No. 51340
Molly Carella, MO Bar No. 56902
Jennifer J. Artman, MO Bar No. 63692
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
Telephone: 816.474.6550
Facsimile: 816.421.5547
jmurphy@shb.com
hpsmith@shb.com
mcarella@shb.com
jartman@shb.com

ATTORNEYS FOR DEFENDANT APPLE INC.

CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2019, a copy of the foregoing was filed with the Clerk of the court using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record.

/s/ Holly Pauling Smith

John Murphy, MO Bar No. 29980
Holly Pauling Smith, MO Bar No. 51340
Molly Carella, MO Bar No. 56902
Jennifer J. Artman, MO Bar No. 63692
SHOOK, HARDY & BACON L.L.P.
2555 Grand Boulevard
Kansas City, MO 64108
Phone: (816) 474-6550
Fax: (816) 421-5547
jmurphy@shb.com
hpsmith@shb.com
mcarella@shb.com
jartman@shb.com

ATTORNEYS FOR DEFENDANT APPLE INC.